

The Federal Magistrate Act provides that “a district court shall make a de novo determination of those portions of the report or specific proposed findings or recommendations

to which objection is made.” 28 U.S.C. § 636(b)(1); Camby v. Davis, 718 F.2d 198, 200 (4th Cir.1983). “By contrast, in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Similarly, de novo review is not required by the statute “when a party makes general or conclusory objections that do not direct the court to a specific error in the magistrate judge’s proposed findings and recommendations.” Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982). Moreover, the statute does not on its face require any review at all of issues that are not the subject of an objection. Thomas v. Arn, 474 U.S. 140, 149 (1985); Camby, 718 F.2d at 200. Nonetheless, a district judge is responsible for the final determination and outcome of the case, and accordingly, the Court has reviewed the Magistrate Judge’s M&R and the record.

III. DISCUSSION

Pursuant to 28 U.S.C. § 636(b)(1)(c), a party is given fourteen (14) days to file specific written objections to a Magistrate Judge’s proposed findings and recommendations. See 28 U.S.C. § 636(b)(1)(c); see also, Fed. R. Civ. P. 72(b)(2). The parties were notified that objections to the M&R must be filed within this time frame. The defendants did not file any objections as of the date of this Order. Considering no objections were filed, and after a review of the record in this case, the Court finds that the Magistrate Judge’s recommendation that these motions to dismiss be denied as moot, because there was a timely-filed amended pleading that superseded the original pleading, is consistent with and supported by law.

IV. CONCLUSION

IT IS, THEREFORE, ORDERED that:

1. The M&R is hereby **ADOPTED**.
2. Defendants Charlotte-Mecklenburg Hospital Authority d/b/a Carolinas Medical Center, Cindy Bobay and Keith A. Smith's Motion To Dismiss (Doc. No. 15) and Defendant NC Department Of Health And Human Services' Motion To Dismiss (Document No. 25) is **DENIED AS MOOT, without prejudice** to refile motions to dismiss the "Amended Complaint #3" (Doc. No. 31).

Signed: April 8, 2011

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

